

AO 441 (Rev. 5/85) Third Party summons in a Civil Action

# United States District Court

## Northern District of Oklahoma

PLAINTIFF

STATE OF OKLAHOMA, ex rel., et al.

V. DEFENDANT AND THIRD PARTY PLAINTIFFS

### ALIAS THIRD PARTY SUMMONS IN A CIVIL ACTION

TYSON FOODS, INC. et al.

V. THIRD PARTY DEFENDANT

CASE NUMBER: 05-CV-0329-TCK-SAJ

City of Tahlequah, et al.

To: (Name and Address of Third Party Defendant)

**One Degree, Inc. a/k/a One Degree Lawn & Landscape**  
**Shaun Shepherd**  
**16851 N. 523 Rd.**  
**Tahlequah, OK 74464**

YOU ARE HEREBY SUMMONED and required to file with the clerk of this court and serve upon

PLAINTIFF ATTORNEY (name and address)

Douglas Allen Wilson  
 Melvin David Riggs  
 Richard T. Garren  
 Sharon K. Weaver  
 Riggs Abney Neal Turpen Orbison & Lewis  
 502 West 6<sup>th</sup> Street  
 Tulsa, OK 74119-1010

DEFENDANT AND THIRD PARTY PLAINTIFFS ATTORNEY  
(name and address)

A. Scott McDaniel  
**Joyce, Paul & McDaniel PLLC**  
 1717 South Boulder, Suite 200  
 Tulsa, OK 74119

an answer to the third-party complaint which is herewith served upon you within **20days** after the service of this summons upon you exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the third-party complaint. There is also served upon you herewith a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third party plaintiff.

Phil Lombardi

Clerk

Date

MAY 3 2006

(By) DEPUTY CLERK

## RETURN OF SERVICE

Service of the Summons and Complaint was made by me	DATE <u>MAY 19 2006</u>
NAME OF SERVER (PRINT) <u>Rex L Quinn</u>	TITLE <u>District Court Officer</u>

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: \_\_\_\_\_
- ☒ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

Becky Shepherd-Spence @ 16851 N 523 RD RO.  
TAHLEQUAH OK

- ☐ Returned unexecuted:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- ☐ Other (specify):
- \_\_\_\_\_
- \_\_\_\_\_

## STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

May 19, 2006

Signature of Server

Address of Server

P.O. Box 911, Stillwell OK 74460